

1 Sheila A.G. Armbrust (SBN 265998)  
sarmbrust@sidley.com  
2 SIDLEY AUSTIN LLP  
555 California Street, Suite 2000  
3 San Francisco, CA 94104  
Telephone: (415) 772 1200  
4 Facsimile: (415) 772 7400

5 James W. Ducayet (*pro hac vice pending*)  
jducayet@sidley.com  
6 SIDLEY AUSTIN LLP  
One South Dearborn  
7 Chicago, IL 60603  
Telephone: (312) 853 7000  
8 Facsimile: (312) 853 7036

9 Michele L. Aronson (*pro hac vice pending*)  
maronson@sidley.com  
10 SIDLEY AUSTIN LLP  
1501 K Street NW  
11 Washington, DC 20005  
Telephone: (202) 736 8000  
12 Facsimile: (202) 736 8711

13 *Attorneys for Defendant TaxAct, Inc.*

14  
15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA**  
17 **SAN FRANCISCO DIVISION**  
18

19 NICOLAS C. SMITH-WASHINGTON, on behalf  
of himself and all other similarly situated,

20 Plaintiff,

21  
22 v.

23 TAXACT, INC., an Iowa Corporation

24 Defendant.  
25  
26  
27  
28

Case No. 3:23-CV-00830-VC

Assigned to Hon. Vince Chhabria

**STIPULATED REQUEST TO MODIFY  
THE MOTION TO STAY HEARING  
DATE AND TO EXTEND TIME FOR  
PLAINTIFF'S RESPONSE AND TAXACT,  
INC.'S REPLY TO MOTION TO STAY**

Case Removed: February 23, 2023

(Superior Court Of California Alameda  
County, Case No. 23cv026204)

1 WHEREAS, on March 3, 2023, TaxAct, Inc. moved to stay this proceeding pending  
2 arbitration with Plaintiff and then during the pendency of the arbitration pursuant to 9 U.S.C. § 3 (the  
3 “Motion to Stay”);

4 WHEREAS, Plaintiff’s response to the Motion to Stay is due by March 16, 2023;

5 WHEREAS, TaxAct, Inc.’s reply to Plaintiff’s response to the Motion to Stay is due by  
6 March 23, 2023;

7 WHEREAS, the Motion to Stay Hearing is set for April 6, 2023 at 10:00 a.m. Pacific time;

8 WHEREAS, on March 3, 2023, the parties stipulated that the time for Defendant TaxAct,  
9 Inc. to answer or otherwise plead in response to the Complaint shall be 14 days after the Court either  
10 denies the Motion to Stay or, if it grants the Motion to Stay, until 14 days after the stay is lifted;

11 WHEREAS, in order to accommodate scheduling conflicts, the parties have agreed to a  
12 revised hearing date and briefing schedule as set forth below.

13 WHEREAS, pursuant to Local Rules 6-1(b) and 6-2, the parties seek to request the Court’s  
14 permission to (i) change the Motion to Stay Hearing date; (ii) extend the time for Plaintiff’s Motion  
15 to Stay; and (iii) extend the time for TaxAct’s reply to Plaintiff’s response; and

16 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the parties that:

- 17 1. The Motion to Stay Hearing will be set for June 1, 2023 at 10 a.m. Pacific time;
- 18 2. Plaintiff’s response to the Motion to Stay will be due by May 4, 2023;
- 19 3. TaxAct, Inc.’s reply to Plaintiff’s response to the Motion to Stay will be due by May  
20 18, 2023; and
- 21 4. No other dates or deadlines shall be altered by this stipulation.

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23 ///

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1 **IT IS SO STIPULATED.**

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3 Respectfully submitted,

4  
5 Dated: March 10, 2023

/s/ Sheila A.G. Armbrust  
Sheila A.G. Armbrust (SBN 265998)  
SIDLEY AUSTIN LLP

7 *Attorney for Defendant TaxAct, Inc.*

8  
9  
10 Dated: March 10, 2023

/s/ Ari Cherniak  
Ari Cherniak (SBN 290071)  
HAMMONDLAW, P.C.

12 *Attorney for Plaintiff Nicolas C. Smith-*  
*Washington*

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15  
16 **FILER'S ATTESTATION**

17 Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Sheila A.G. Armbrust, attest that  
18 concurrence in the filing of this document has been obtained.

19  
20 Dated: March 10, 2023

/s/ Sheila A.G. Armbrust  
Sheila A.G. Armbrust